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ATTORNEY DOCKET NO. 064731:0254

PATENT  
Serial No. 09/923,862

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David G. Way  
 Serial No.: 09/923,862  
 Filing Date: August 6, 2001  
 Title: TUNABLE CHANNEL SPACING FOR  
 WAVELENGTH DIVISION MULTIPLEXING  
 (WDM) TRANSPORT SYSTEM

Honorable Assistant Commissioner  
 for Patents  
 Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Name

10-4-01

Date of Signature

Express Mail No. EL501000629US

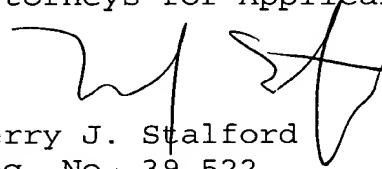
INFORMATION DISCLOSURE STATEMENT

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. A copy of these references are enclosed for the convenience of the Examiner. Furthermore, pursuant to 37 C.F.R. § 1.97(h), no representation is made that these references qualify as prior art or that these references are material to the patentability of the present application.

Applicant believes that no fee is due. However, if a fee is required, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicant



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Date: 10/4/01

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PTO-1449 Information Disclosure Citation In an Application <i>OCT 04 2001</i>		Application No. 09/923,862	Applicant(s) David G. Way
		Docket Number 064731.0254	Group Art Unit
			Filing Date August 6, 2001

## U.S. PATENT DOCUMENTS

TRADEMARK OFFICE	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A	5,202,782	04/13/93	Nakamura et al.	359	152	01/14/91
B	5,404,240	04/04/95	Nishio et al.	359	123	02/14/92
C	5,448,390	09/05/95	Tsuchiya et al.	359	132	01/13/94
D	5,566,018	10/15/96	Lee et al.	359	341	06/26/95
E	5,841,558	11/24/98	Tamura et al.	359	124	01/22/97
F	5,943,149	08/24/99	Cearns et al.	359	124	02/18/98
G	5,949,563	09/07/99	Takada	359	124	07/18/97
H	6,014,237	01/11/00	Abeles et al.	359	124	11/03/98
I						
J						
K						
L						

## FOREIGN PATENT DOCUMENTS

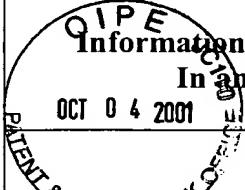
		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
M								
N								
O								
P								
Q								

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
R	Pieter W. Hooijmans, "Coherent Optical System Design," <i>John Wiley &amp; Sons Ltd.</i> , 1994, 412 pages.	1994
S	Tayebati et al., "Widely Tunable Fabry—Perot Filter Using Ga(Al)As—AlO <sub>x</sub> Deformable Mirrors," <i>IEEE Photonics Technology Letters</i> , Vol. 10, No. 3, March 1998, 4 pages.	March 1998
T	Tayebati et al., "Microelectromechanical tunable filter with stable half symmetric cavity," <i>Electronics Letters</i> , Vol. 34, No. 20, October 1, 1998, 5 pages.	October 1, 1998

EXAMINER \_\_\_\_\_ DATE CONSIDERED \_\_\_\_\_

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

U.S. PATENT AND TRADEMARK OFFICE

<b>PTO-1449</b> 	Application No. <b>09/923,862</b>		Applicant(s) <b>David G. Way</b>
	Docket Number <b>064731.0254</b>	Group Art Unit	Filing Date <b>August 6, 2001</b>

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A						
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	<b>DOCUMENT NO.</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>TRANSLATION</b>	
						<b>YES</b>	<b>NO</b>
M							
N							
O							
P							
Q							

	<b>DOCUMENT (Including Author, Title, Source, and Pertinent Pages)</b>	<b>DATE</b>
R	Ghatak et al., "Introduction to Fiber Optics," <i>Cambridge University Press</i> 1998, 577 pages.	1998
S	Gerard Lachs, "Fiber Optic Communications Systems, Analysis, and Enhancements," <i>McGraw-Hill</i> , 1998, 401 pages.	1998
T	Harold Kolimbiris, "Digital Communications Systems With Satellite and Fiber Optics Applications," <i>Prentice-Hall, Inc.</i> , 2000, 481 pages.	2000

EXAMINER \_\_\_\_\_ DATE CONSIDERED \_\_\_\_\_

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